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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,985	07/13/2001	Lilly Mae Vega	BIDF.0001	2247

22885 7590 09/14/2005

MCKEE, VOORHEES & SEASE, P.L.C.  
801 GRAND AVENUE  
SUITE 3200  
DES MOINES, IA 50309-2721

EXAMINER

SHERR, CRISTINA O

ART UNIT PAPER NUMBER

3621

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/903,985

**Applicant(s)**

VEGA, LILLY MAE

**Examiner**

Cristina Owen Sherr

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) 71, 72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-70 and 73 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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**DETAILED ACTION**

1. For clarity, it is noted that claims 71-72 have been canceled. Further, two (2) different claims are numbered 33. For purposes of this action, the first claim 33 will be referred to as claim 33 and the second claim 33 will be referred to as claim 33A. Claims 1-33, 33A, 34-70 and 73 are pending in this case.

***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-59, 67, drawn to a computer-implemented method of facilitating sales of services, classified in class 705, subclass 500.
  - II. Claims 60-66, drawn to a computer-implemented method of physiological telemetry, measuring various body functions in the context of effectuating a sale, classified in class 128, subclass 902.
  - III. Claim 68, drawn to a computerized method of creating a business plan, classified in class 705, subclass 1.
  - IV. Claim 69, drawn to a computerized method of determining intelligence quotient, classified in class 434, subclass 433.
  - V. Claim 70, drawn to a computerized method for generating a call to 911, classified in class 379, subclass 10.02.
  - VI. Claim 73, drawn to computerized method of facilitating an auction, classified in class 705, subclass 80.
3. The inventions are distinct, each from the other because of the following reasons:
4. All inventions are related as different methods and different apparatuses for their

practice. The inventions are distinct if it can be shown that either: (1) the methods as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatuses as claimed could be used to practice materially different processes. (MPEP § 806.05(e)). In this case, each of the different methods as claimed can be practiced at least partially by hand.

5. Because all of these inventions are distinct and because the search required for any one Group is not necessarily required for any other Group, restriction for examination purposes as indicated is proper.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### *Election of Species*

7. It is noted, that, should the applicant elect the claims in Group I, above, that group is further subject to an election of species as follows.

8. This application contains claims directed to the following patentably distinct species of the claimed invention:

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IA. Claims 1, 2, 3, 5, 16, 18, 23, 24, 25, 26, 27, 28, 29, 31, 32, 35, 40, 50 are directed at a computer-implemented method of facilitating a services marketplace including facilitating a transaction.

IB. Claims 1, 4, 34 are directed at a computer-implemented method of facilitating a services marketplace including dispute resolution and terms thereof.

IC. Claims 1, 6, 30, 36, 37, 38, 39 are directed at a computer-implemented method of facilitating a services marketplace including organizing sessions.

ID. Claims 1, 7, 8, 20, 21, 46 are directed at a computer-implemented method of facilitating a services marketplace including data mining.

IE. Claims 1, 9, 10, 22, 41, 42, 43, 44, 45, 47, 48 are directed at a computer-implemented method of facilitating a services marketplace including speech recognition and body language analysis.

IF. Claims 1, 11, 52 are directed at a computer-implemented method of facilitating a services marketplace including making a business referral.

IG. Claims 1, and 12 are directed at a computer-implemented method of facilitating a services marketplace including making a charitable donation.

IH. Claims 1, 13 are directed at a computer-implemented method of facilitating a services marketplace including offline transaction.

II. Claims 1, 14 are directed at a computer-implemented method of facilitating a services marketplace including providing a retaining agent.

IJ. Claims 1, 15, are directed at a computer-implemented method of facilitating a services marketplace including risk sharing.

IK. Claims 1, 17 are directed at a computer-implemented method of facilitating a services marketplace including promotion of various offers.

IL. Claims 1, 19 are directed at a computer-implemented method of facilitating a services marketplace including filling in the gaps for non specific terms.

IM. Claims 1, 33 are directed at a computer-implemented method of facilitating a services marketplace including complementary or co-branding.

IN. Claims 1, 33A are directed at a computer-implemented method of facilitating a services marketplace including encrypting communication among the participants and the website.

IO. Claims 1, 43, 44, 45 are directed at a computer-implemented method of facilitating a services marketplace including language translation.

IP. Claims 1, 49 are directed at a computer-implemented method of facilitating a services marketplace including balancing clusters of computers.

IQ. Claims 1, 51 are directed at a computer-implemented method of facilitating a services marketplace including translation from one to another computer language.

IR. Claims 1, 53 are directed at a computer-implemented method of facilitating a services marketplace including making geographic restrictions.

IS. Claims 1, 54, 55 are directed at a computer-implemented method of facilitating a services marketplace including presetting participant preferences.

IT. Claims 1, 56 are directed at a computer-implemented method of facilitating a services marketplace including scheduling guest speakers.

IU. Claims 1, 57 are directed at a computer-implemented method of facilitating a services marketplace including matching employment opportunities.

IV. Claims 1, 58, 59 are directed at a computer-implemented method of facilitating a services marketplace including matching and evaluating offers.

9. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

10. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

11. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

12. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

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the prior art, the evidence or admission may be used in a rejection under 35


U.S.C. 103(a) of the other invention.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SALVATORE CANGIALOSI  
PRIMARY EXAMINER  
ART UNIT 222